REMARKS

In the non-final Office Action mailed on June 29, 2005 (Paper No. 06162005), the Examiner rejected claims 21-22 under 35 U.S.C. § 101; rejected claims 5-7 and 10-12 for obviousness-type double patenting over U.S. Patent No. 6,618,755; allowed claims 25-27; and indicated that claims 8-9 and 23-24 would be allowable if rewritten in independent form. Applicants herein present new claims 28-37. Accordingly, claims 5-12 and 21-37 are presently pending. For the reasons set forth in detail below, applicants submit that the application is now in condition for allowance.

In order to obviate the double-patenting rejection, applicants file herewith a terminal disclaimer with respect to U.S. Patent No. 6,618,755. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw this rejection.

In rejecting claims 21-22 under 35 U.S.C. § 101, the Examiner indicated that these claims recite non-functional descriptive material contained on a computer readable medium. Applicants respectfully disagree. The following passage of the MPEP sets forth the difference between functional descriptive material and non-functional descriptive material.

> Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data.

MPEP § 2106(IV)(B)(1). Applicants submit that claim 21 recites a data structure, in that it recites data elements, including a root node, intermediate nodes, and leaf nodes, as well as logical relationships between these three types of nodes. More to the point, the

dictionary cited by the MPEP for its definition of the term "data structure" includes the following definition for the term "tree":

> (3) (data management). A nonlinear <u>data structure</u> consisting of a finite set of nodes in which one node is called the root node and the remaining nodes are partitioned into disjoint sets, called sub-trees, each of which is itself a tree.

The New IEEE Standard Dictionary of Electrical and Electronics Terms 1413 (5th ed. 1993) (emphasis added). The claim also makes clear that the data structure supports specific data manipulation functions, namely "travers[al] to identify an intermediate node representing an address range corresponding to a subnet in the network." Applicants further submit that this data structure clearly imparts functionality when employed as a computer component, namely the functionality of "identifying a subnet in a network." Accordingly, claim 21 and its dependent claim claim 22 clearly constitute functional descriptive material. Indeed, it is not true that the subject matter of these claims constitutes music, literary works, or a compilation or mere arrangement of data. Further, the following passage of the MPEP makes clear that such a data structure, when recited as being contained in a computer memory or other computer-readable medium as in the present case, is statutory:

> [A] claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

MPEP § 2106(IV)(B)(1)(a). Accordingly, applicants respectfully request that the Examiner reconsider and withdraw this rejection.

For the reasons discussed above, applicants submit that the application is in condition for allowance, and therefore earnestly solicit a prompt notice of allowance. If the Examiner believes that a telephone interview would advance the Examination of this application, she is encouraged to contact the undersigned at (206) 359-6373.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665 from which the undersigned is authorized to draw, under Order No. 248588001US1.

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Respectfully submitted,

By _____

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